



General Assembly

January Session, 2013

Raised Bill No. 1017

LCO No. 3891



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING ABANDONED BOATS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-140c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) No person shall abandon any vessel on the waters of this state or
4 upon property other than his own without the consent of the owner
5 thereof. For the purposes of this section, a vessel shall be presumed to
6 be abandoned if: [left] (1) Left on the waters of this state not moored,
7 anchored or made fast to the shore and unattended for a period greater
8 than twenty-four hours, [or] (2) left upon property other than his own
9 without the consent of said property owner for a period greater than
10 twenty-four hours, [. The last owner of record of a vessel at the time it
11 was abandoned shall be presumed to be the person who abandoned
12 the same or caused or procured its abandonment] except in the case
13 where a tenant leaves a vessel behind on property such tenant
14 formerly rented, leased, or occupied, in which case such vessel shall be
15 presumed to be abandoned ninety days after termination of occupancy
16 by such tenant, (3) left at a mooring for more than sixty days since

17 receipt of the last full payment, (4) left at a storage facility, repair
 18 facility or other commercial facility for more than one year since
 19 receipt of the last full payment by such facility, or (5) found during a
 20 declared emergency pursuant to chapter 517: (A) In a public right-of-
 21 way and that hinders access to a public right-of-way or hinders access
 22 to public utilities, or (B) in a location or condition that creates an
 23 imminent danger to public safety or to the environment.

24 [(b) Any officer authorized to enforce the provisions of this chapter
 25 upon discovery of any vessel apparently abandoned, whether situated
 26 on or out of the waters of the state, may take such vessel into his
 27 custody and may cause the same to be taken to and stored in a suitable
 28 place. There shall be no liability attached to such officer for any
 29 damages to such vessel while in his custody. All charges necessarily
 30 incurred by such officer in the performance of such duty shall be a lien
 31 upon such vessel. The owner or keeper of any marina or other place
 32 where such vessel is stored shall have a lien upon the same for his
 33 storage charges and if such vessel has been stored for a period of not
 34 less than sixty days, such owner or keeper may sell the same for
 35 storage charges owed thereon, provided a notice of intent to sell shall
 36 be sent to the Commissioner of Energy and Environmental Protection,
 37 the Commissioner of Motor Vehicles, the Commissioner of
 38 Transportation and the owner of such vessel, if known, five days
 39 before the sale of such vessel. If the owner is unknown, such sale shall
 40 be advertised in a newspaper published or having a circulation in the
 41 town where such marina or other place is located three times,
 42 commencing at least five days before the sale. The proceeds of such
 43 sale, after deducting the amount due such marina owner or keeper and
 44 all expenses of the officer who placed such vessel in storage, shall be
 45 paid to the owner of such vessel or his legal representatives, if claimed
 46 by him or them at any time within one year from the date of such sale.
 47 If such balance is not claimed within said period, it shall escheat to the
 48 state.]

49 (b) The last owner of record of a vessel, as recorded with the

50 governmental entity that issued such registration, shall be presumed to
 51 be the person who abandoned or caused the abandonment of such
 52 vessel, except where such person provides the Commissioner of
 53 Energy and Environmental Protection with sufficient evidence of
 54 ownership. For any vessel presumed to be abandoned, the person who
 55 abandoned such vessel shall be deemed to have waived any and all
 56 rights with respect to the privacy and confidentiality of such
 57 registration and any information contained in such registration, except
 58 that any Social Security number shall not be made public and any
 59 personal information otherwise prohibited from disclosure pursuant to
 60 section 1-217 shall not be made public. For the purpose of this
 61 subsection, a vessel that is documented with the United States Coast
 62 Guard under maritime or admiralty law shall be considered to be
 63 registered with the United States Coast Guard.

64 (c) Only a party with standing or such party's designated agent, as
 65 identified in writing by such party with standing on a notification of
 66 abandoned vessel, may initiate the abandoned vessel procedures
 67 described in this section. For the purpose of this section, the following
 68 parties shall have standing:

69 (1) The owner of the property where the abandoned vessel came to
 70 rest or to which the abandoned vessel was made fast, unless such
 71 vessel is given over to a lienholder, harbormaster, police department,
 72 municipality or agent of the state;

73 (2) Any harbormaster, police department, municipality, or agent of
 74 the state that agrees to accept or process an abandoned vessel;

75 (3) Any emergency responder, including a responding utility, or any
 76 person or firm contracted by a governmental agency to provide
 77 emergency services and responding to a bona fide emergency in a
 78 declared emergency pursuant to chapter 517 or the aftermath of a
 79 declared emergency; and

80 (4) Any marine salvager or licensed automobile tow engaged by

81 any of the persons described in subdivisions (1) to (3), inclusive, of this
 82 subsection.

83 (d) Any party with standing may seek full cost recovery from the
 84 person who abandoned the vessel for any unpaid expense incurred as
 85 a result of, or incidental to, such vessel abandonment. Any person who
 86 acts in good faith and without malicious intent in the processing,
 87 storage or movement of any abandoned vessel pursuant to this section
 88 shall be immune from civil liability for damage to such vessel.

89 (e) The Commissioner of Energy and Environmental Protection shall
 90 notify the Secretary of the State by electronic mail of the receipt of any
 91 notice of abandoned vessel for any abandoned vessel currently or
 92 previously registered in this state. Such notification shall include a
 93 description of the abandoned vessel and shall identify the name of the
 94 owner of the vessel, as recorded with the Department of Motor
 95 Vehicles, if known. The Secretary of the State shall inform the
 96 Commissioner of Energy and Environmental Protection, not later than
 97 ten business days after receipt of such notification, of any security
 98 interest or commercial lien against such abandoned vessel and the
 99 Secretary shall notify all such lienholders that such vessel is deemed
 100 abandoned. If such abandoned vessel was documented in accordance
 101 with the maritime or admiralty laws of the United States, the
 102 Commissioner of Energy and Environmental Protection shall
 103 determine whether any lien exists against such abandoned vessel and
 104 shall make reasonable attempts to notify all lienholders of the status
 105 and location of the abandoned vessel.

106 (f) Any party with a lien against an abandoned vessel, as filed with
 107 the Secretary of the State, shall seek a writ of attachment in accordance
 108 with the provisions of section 49-55d, at such party's own expense and
 109 not later than the issuance of a notice of assumed ownership to such
 110 party by the Commissioner of Energy and Environmental Protection. If
 111 such party fails to seek such writ of attachment, such party shall be
 112 deemed to have discharged such lien pursuant to section 49-56a. Any
 113 party with a lien against an abandoned vessel as filed with an agency

114 of the United States may take the vessel into custody. Any lienholder
 115 may request that the Commissioner of Energy and Environmental
 116 Protection suspend the abandoned boat procedures pursuant to
 117 subsection (h) of this section for the purpose of arranging for the
 118 removal, transport or storage of an abandoned vessel. Any lienholder
 119 who takes an abandoned vessel into custody shall be liable to the
 120 applicable party with standing for any damage incurred to the vessel
 121 during the removal of such abandoned vessel. Any abandoned vessel,
 122 once in the custody of a lienholder or an agent of a lienholder, shall no
 123 longer be deemed to be an abandoned vessel and shall otherwise be
 124 processed pursuant to chapter 847.

125 (g) In the event an abandoned vessel is registered in another state,
 126 the Commissioner of Energy and Environmental Protection shall notify
 127 the registering agency by electronic mail and shall allow such agency
 128 fifteen business days to return information regarding the owner of
 129 record of such vessel or to otherwise intervene in the abandoned vessel
 130 procedures described in this section. If such registering agency does
 131 not provide contact information or otherwise intervene in such
 132 procedures not later than fifteen business days after receipt of such
 133 notification, any further obligation to identify or contact the last owner
 134 of record shall be considered to be waived, unless the abandoned
 135 vessel is documented according to the maritime or admiralty laws of
 136 the United States, in which case the commissioner may use the
 137 information contained in such documentation to identify the last
 138 owner of record.

139 (h) The Commissioner of Energy and Environmental Protection
 140 shall establish the following online process for the disposition of
 141 abandoned vessels. Such process shall apply, in its entirety, only to
 142 those abandoned vessels that are not documented according to the
 143 maritime or admiralty laws of the United States or for which such
 144 documentation is expired or cancelled. The provisions of this
 145 subsection shall not apply to vessels that are documented according to
 146 the maritime or admiralty laws of the United States except the

147 provisions of subdivisions (1) to (5), inclusive of this subsection.

148 (1) The party with standing shall file a notarized notice of
149 abandoned vessel with the Commissioner of Energy and
150 Environmental Protection in person, by mail, or by paid delivery
151 service. Such filing shall be on forms as prescribed by the
152 commissioner. The fee for filing such notice shall be twenty dollars.

153 (2) Upon receipt of any such filing, the commissioner shall
154 determine whether such vessel is reported as stolen or missing. If the
155 vessel was reported as stolen or missing, the police department with
156 whom the report was filed shall take such vessel into custody at the
157 expense of the person who abandoned such vessel.

158 (3) The commissioner shall post information regarding the report of
159 the abandoned vessel online, on a publicly accessible abandoned vessel
160 Internet web site. Such information shall be sufficient to identify the
161 abandoned vessel and shall contain, at a minimum and where such
162 information is known, the registration number of such vessel, the make
163 and model of such vessel, the length and color of such vessel, the town
164 and water body nearest to the location of such vessel abandonment
165 and instructions for contacting the commissioner.

166 (4) The commissioner shall send a certified letter to the person who
167 abandoned such vessel, provided such person can be identified, and in
168 such letter identify the abandoned vessel, notify the recipient of the
169 consequences of abandonment under the law and provide instructions
170 regarding retrieval of such vessel.

171 (5) The commissioner shall provide to the party with standing a
172 water resistant adhesive label advising that the subject vessel is being
173 processed pursuant to the provisions of this section and that contains
174 instructions on how to contact the commissioner in order to acquire
175 more information or intervene in such procedures. The party with
176 standing shall immediately affix the label to the abandoned boat in a
177 prominent location in such a manner as to be visible to an approaching

178 party.

179 (6) A forty-five-day abandoned boat period shall commence
 180 beginning on the date of the first attempt to deliver the certified letter
 181 described in subdivision (4) of this subsection. In any case in which a
 182 vessel is not registered, such period shall begin when the
 183 commissioner posts information regarding the abandoned vessel on
 184 the Internet web site described in subdivision (3) of this subsection.
 185 The commissioner may suspend such abandoned boat period for not
 186 more than six months for just cause, provided the commissioner shall
 187 state in writing, for publication on such abandoned boat Internet web
 188 site described in subdivision (3) of this subsection, the reason for such
 189 suspension and the elements necessary to resume the abandoned boat
 190 period.

191 (7) On the day following the expiration of the abandoned boat
 192 period, if the person who abandoned such vessel did not contact the
 193 commissioner or otherwise failed to remove such abandoned vessel,
 194 the commissioner shall issue a notice of assumed ownership, by
 195 certified mail, to the party with standing and provide a copy of the
 196 notice to the Commissioner of Motor Vehicles by electronic mail. If
 197 such abandoned vessel is the subject of a commercial lien, as filed with
 198 the Secretary of the State, the Commissioner of Energy and
 199 Environmental Protection shall send a copy of such notice of assumed
 200 ownership, by electronic mail, to said Secretary. Said Secretary shall
 201 consider such notice of assumed ownership to be a termination of any
 202 and all liens against such vessel and to satisfy the notice of removal
 203 requirements of section 49-56a. Upon issuance of said notice of
 204 assumed ownership the party with standing shall be deemed to be the
 205 owner of the abandoned vessel, and the original of the notice of
 206 assumed ownership shall be prima facie evidence of such ownership.
 207 The Commissioner of Motor Vehicles shall cancel the existing
 208 registration for such vessel and shall note the transfer of ownership to
 209 the party with standing in the vessel registration record, if such record
 210 exists. If such vessel is registered by a registering agency other than the

211 Department of Motor Vehicles, the Commissioner of Motor Vehicles
212 shall notify such agency, by electronic mail, of the transfer of
213 ownership.

214 (8) If the person who abandoned such vessel contacts the
215 Commissioner of Energy and Environmental Protection, such person
216 shall have until the last day of the abandoned boat period described in
217 subdivision (6) of this subsection to remove such abandoned vessel
218 from the property or possession of the party with standing, as
219 applicable. If the person who abandoned such vessel fails to remove
220 such vessel by said day, the Commissioner of Energy and
221 Environmental Protection shall cause the registration of the abandoned
222 vessel to be cancelled and shall issue a notice of assumed ownership to
223 the party with standing. The commissioner may suspend the
224 abandoned boat period, in accordance with subdivision (6) of this
225 subsection, at the request of the person who abandoned the vessel and
226 for just cause shown. The person who abandoned the vessel shall be
227 liable for any property damage caused by the removal of the
228 abandoned vessel that is undertaken pursuant to this subdivision.

229 (i) For a period of forty-five days following the end of a declared
230 state of emergency that resulted in the widespread displacement of
231 vessels and that was declared to be an emergency by the Governor
232 pursuant to chapter 517, there shall be no fee for the filing of a notice of
233 abandoned vessel, pursuant to subdivision (1) of subsection (h) of this
234 section, and notarization of such notice shall not be required.

235 (j) A notice of abandoned vessel, as described in subdivision (1) of
236 subsection (h) of this section, shall be prepared and submitted to the
237 Commissioner of Energy and Environmental Protection for each
238 abandoned vessel, including any vessel that is documented with the
239 United States Coast Guard in accordance with the maritime or
240 admiralty laws of the United States or that is relocated to an
241 abandoned boat holding area by persons or agents acting in a relief or
242 emergency capacity.

243 (k) The commissioner may waive the requirement to contact the
 244 person who abandoned such vessel by certified mail, as required by
 245 subsection (h) of this section, if contact with such person is otherwise
 246 established by electronic mail or another suitable means of
 247 communication, as determined by the commissioner.

248 (l) Notwithstanding any provisions of the general statutes, any
 249 waste oil, fuel, antifreeze or other hazardous materials stored on an
 250 abandoned vessel and incidental to the operation and maintenance of
 251 such abandoned vessel shall be deemed household hazardous waste,
 252 for the purpose of disposal of such materials, if removed from such
 253 abandoned vessel in preparation for the storage, removal or
 254 destruction of such abandoned vessel.

255 (m) Any person who abandons a vessel shall have committed a
 256 violation and shall be fined not less than three hundred dollars nor
 257 more than five hundred dollars, except if such abandonment occurred
 258 during a declared emergency and as a result of the conditions that
 259 caused such emergency to be declared.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	15-140c

JUD *Joint Favorable*